



The Gazette of India

PUBLISHED BY AUTHORITY

No. 15] NEW DELHI, SATURDAY, APRIL 14, 1956

NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 7th April 1956:—

Issue No.	No. and date	Issued by	Subject
93	S.R.O. 767, dated the 31st March 1956.	Ministry of Law.	Nomination of four members to the Council of States.
94	S.R.O. 768, dated the 31st March 1956.	Do.	Declarations containing the names of candidates elected to fill the seats in the Council of States.
94A	S.R.O. 768A, dated the 31st March 1956.	Ministry of Commerce and Industry.	Freight (Place Extras) List No. 1 of 1956.
95	S.R.O. 769, dated the 1st April 1956.	Ditto	Fixation of the price of tea for the purpose of the Item 5 in the Second Schedule to the Indian Tariff Act, 1934.
	S.R.O. 770, dated the 1st April 1956.	Ministry of Production.	Amendment made in the notification No. 4-CI(2)/51, dated the 26th August 1952.
96	S.R.O. 771, dated the 1st April 1956.	Ministry of Finance (Company Law Administration)	The fee for registration of an association shall be fifty rupees.
97	S.R.O. 772, dated the 2nd April 1956.	Ministry of Finance (Revenue Division).	Declaration of reciprocating country for the purposes of the Estate Duty Act, 1953.
98	S.R.O. 773, dated the 3rd April 1956.	Ministry of Law.	Names of Members elected and nominated to the Council of States.
99	S.R.O. 774, dated the 3rd April 1956.	Election Commission, India.	Amendment made in the notification No. 62/2/51-Elec. II(3), dated 6th November, 1951.
100	S.R.O. 775, dated the 14th March 1956.	Ditto	Election Petition No. 31 of 1954.
101	S.R.O. 776, dated the 4th April 1956.	Ditto	To elect a person in the seats allotted to the State of Uttar Pradesh in the Council of States.

Issue No.	No. and date	Issued by	Subject
	S.R.O. 777, dated the 4th April 1956.	Election Commission, India.	Appointment of dates for election to the Council of States to fill a vacancy in the seats allotted to the State of Uttar Pradesh.
	S.R.O. 778, dated the 4th April 1956.	Ditto	Designation of Returning Officer for election to the Council of States to fill a vacancy in the seats allotted to the State of Uttar Pradesh.
	S.R.O. 779, dated the 4th April 1956.	Ditto	Appointment of an assistant to the Returning Officer for election to the Council of States to fill a vacancy in the seats allotted to the State of Uttar Pradesh.
102	S.R.O. 823, dated the 6th April 1956.	Ministry of Food and Agriculture.	The powers to make orders in relation to the stocks of foodstuffs including edible oils in the State of Uttar Pradesh be also exercisable by the Government of Uttar Pradesh.
103	S.R.O. 824, dated the 5th April 1956.	Ministry of Information and Broadcasting	Certification of a film to be of the description specified therein.
104	S.R.O. 825, dated the 7th April 1956.	Ministry of Communications.	No aircraft shall make any flight within ten miles from the boundary of any of the Portuguese possessions in India.
105	S.R.O. 826, dated the 7th April 1956.	Ministry of Works, Housing and Supply.	The powers to make orders in relation to kerosene oil be also exercisable by the Government of Uttar Pradesh.
	S.R.O. 827, dated the 7th April 1956.	Ministry of Food and Agriculture.	The powers to make orders in relation to the stocks of foodstuffs including edible oils be also exercisable by the Government of Uttar Pradesh.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on request to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 9th April 1956

S.R.O. 838.—[Contracts/Am(4)].—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law, No. S.R.O. 3442, dated the 2nd

November, 1955 relating to the execution of contracts and assurances of property; namely:—

In Part VIII of the said notification which relates to the Ministry of Finance (Defence), after item 4, the following item shall be added, namely:—

“5. Instruments relating to the re-assignment of insurance policies assigned to the Governor-General before the 26th January, 1950 and to the President on or after that date in accordance with the rules regulating the General Provident Fund (Defence Services), the Defence Services Officers' Provident Fund, the Indian Ordnance Department Provident Fund and the M.E.S. Contributory Provident Fund; by the Accounts Officer of the Fund, as defined in the rules of the respective Funds.”

[No. F.25(4)/55-G.]

V. S. JETLEY, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 4th April 1956

S.R.O. 839.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Her Highness Maharani Saheba of Wankancer Shri Ramakunverba, consort of the Ruler of Wankancer, for purposes of this Entry.

[No. 16/11/56-Police.IV.]

New Delhi-2, the 14th April 1956

S.R.O. 840.—In exercise of the powers conferred by section 27 of the Indian Arms Act 1878 (XI of 1878), and all other powers enabling it in that behalf, the Central Government hereby directs that every notification issued or deemed to be issued under the said section exempting Yuvraj Ambiheshwar Sharan Singh Deo of Surguja from the operation of any prohibition or direction contained in the said Act shall—

- (a) if the notification relates exclusively to him stand cancelled;
- (b) if the notification relates to a class of persons, which includes the said person, cease to extend to him

[No. 16/8/56-Police.IV.]

C. P. S. MENON. Under Secy

RESOLUTION

New Delhi-2, the 5th April 1956

S.R.O. 841.—In paragraph 3 of the Resolution of the Government of India in the Ministry of Home Affairs No. F.4/5/55-Pol.III, dated the 14th March, 1955 it was stated that the Dholpur Succession Enquiry Committee shall assemble at Jaipur and hold the enquiry. Difficulties have, however, been experienced in finding adequate accommodation for the Committee and its members at Jaipur. The Government of India have, therefore, decided that the Committee may sit and hold the enquiry either at Jaipur or any other place which may be convenient to the Chairman and Member, of the Committee. Accordingly the following shall be substituted for paragraph 3, of the Resolution referred to above:—

“3 The Committee shall assemble at Jaipur or at any other place which the Chairman may fix and hold the enquiry and submit its report to the Government of India as early as possible”

[No. F.4/5/55-Pol.III.]

V. VISWANATHAN, Jt Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 31st March 1956

S.R.O. 842.—The following draft of certain further amendments in the Indian Pilgrim Ships Rules, 1933, which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 218 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), is hereby published as required by sub-section (3) of the said section, for the information of persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th day of April, 1956.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

1. For form V appended to the said rules the following form shall be substituted, namely:—

(FORM V)

(See Rule 124)

Pilgrim Pass
for

Pilgrims proceeding to the Hajjaz from ports in the States of India.

Emblem of India

Name_____

Bombay.
Calcutta.

Port of Embarkation

Page 2

INDIAN _____ (a)
FOREIGN (Resident/Non-Resident)

(b) This Pilgrim Pass issued by the authority of the President of India, requests and requires all those whom it may concern to afford the person mentioned herein going on Haj all needed assistance and protection.

(c) This Pilgrim Pass has been issued to enable the holder to travel by Pilgrim Ship.

This Pass is valid for single journey from India to Hejaz during the year and for return within one year of the date of departure from India.

N.B. The Pass is not valid for travel to any country other than Saudi Arabia.

By order of the President of India

Foreign Secretary to the Government of India in the Ministry
of External Affairs.

Issued at _____ Signature of issuing officer _____ on _____ Designation
of issuing officer _____ Registered at Bombay

Calcutta.

On _____

Signature _____

Executive Officer,
Port Haj Committee.

(a) Strike out the words which are not applicable.
 (b) for Indians only.
 (c) For Foreigners.

Page 3

Pilgrim Pass No. _____

Photograph of the holder*

Signature or thumb impression
of the holder.Distinctive marks (of the
holder) if any, by which the
holder can be identified.

*Not necessary in the case of a woman who objects to being photographed.

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Particulars of the holder.

Name

*Father's name

Nationality

Sex and age

Occupation

Full postal address

Village

Post Office

District

State

(All the particulars required above should be correctly filled in).

*If the holder be a married (female) or a widow, the name and father's name of her husband or deceased husband should be given and the words "Wife of" or "Widow of", as the case may be, should be prefixed.

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Name father's name and nationality of pilgrims,
if any, whom holder is accompanying on
the Haj***Name, father's name and full address of holder's
nominee or legal representative (See Rule 140)Particulars regarding provision, if any, made for
the holder's voyage to India. If not, reasons for
exemption (See Rules 126, 127 and 131)Class and Serial number of ticket for outward
voyage (See Rule 131)Name of ship by which outward voyage is to
be performed (See Rule 131)***These particulars should be filled in when the holder is a child under 16
years or a female.

Page 6

Particulars of children accompanying the holder

Name _____ Age _____ Sex _____ Relationship with holder _____

Page 7

Particulars concerning anti-cholera inoculation and anti-small-pox vaccination certificates*.

(To be filled in, if possible, at the time of the issue of the pilgrim-pass, otherwise at the time of registration at the port of embarkation).

Inoculation Certificate	Vaccination Certificate
Place of issue	
Date of issue	
Name and designation of the person who issued the certificate	
Name and designation of the person if any, who countersigned the certificate	

*The certificates of inoculation and vaccination obtained from a district must be produced in original at the port of embarkation for inspection by the Port Health Officer, failing which the pilgrim will be liable to re-immunisation.

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DEPOSIT-PAID RECEIPT

Pilgrim Pass No._____

Issued at _____

On _____ 19_____

The bearer of this receipt _____ son of _____ of district _____ State _____ has deposited the sum of Rupees _____ (Rs. _____) to defray the cost of the return voyage from Jedda to _____.

Signed _____

Designation of Receiving Officer _____

(Endorsement by the Indian Mission, Jedda).

The above-named pilgrim has returned to India per s.s._____. This receipt is transferred to the Executive Officer, Port Haj Committee, Bombay for adjustment.

Signed _____

Representative of Government of India at Jedda

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Particulars regarding final disposal of holder's deposit

(a) When deposit is refunded,

[Sec Rules 138(4), 139(2), 141(2), 142(2) and 146].

Name of person receiving refund_____

Date of refund_____

Reasons for making refund_____

Designation of officer making the refund_____

(b) When deposit is made to defray the cost of return passage [Sec Rules 136(4)].

Name of person to whom payment is made_____

Date of payment_____

Designation of officer making the payment_____

(c) When unclaimed deposit is credited to Haj Fund [Sec Rules 148(2)]

Date of credit to Haj Fund_____

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(For the use of the Indian Mission, Jeddah).

Registration No. _____

Received for safe custody return ticket or deposit paid receipt of the holder of this pass.

Indian Mission, Jeddah.

Date _____

Signed _____

Representative of Government of India at Jeddah.

Rotation No. _____

The holder of this pass has this day notified his desire to return to India. Return ticket or deposit-paid receipt sent to the local Shipping Agents for a return passage.

Good for return journey to India.

Indian Mission, Jeddah.

Dated _____ 19

Signed _____

Representative of Government of India at Jeddah.

Page 11

Blank, for Saudi Arabian Visa.

Page 12

Blank, for Saudi Arabian Visa.

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INSTRUCTIONS TO PILGRIMS

(i) This pilgrim-pass is not transferable and is liable to confiscation if found in the possession of any person other than the rightful owner.

(ii) Every Pilgrim is required to present his or her pass for registration to the Executive Officer of the Port Haj Committee of the port of embarkation in India.

(iii) Every pilgrim is required, on landing at Jeddah, to get his or her pass registered at the Indian Mission, Jeddah. He is also advised to deliver to the Indian Mission his or her return ticket, if any, or deposit-paid receipt, for safe custody.

(iv) Pilgrims are warned that if they do not deposit their return tickets, etc., at the Indian Mission, Jeddah, they will run the risk of loss if the tickets are kept by them throughout during the Haj and will also lose the benefit of the Rotation System by which return-passage is determined on the occasion of their homeward-journey thereby incurring unnecessary expenses during their stay in the Hejaz.

(v) Pilgrims are advised to report to the Indian Mission at Jeddah any difficulty they may experience during their stay in the Hejaz.

(vi) The officials of the Indian Mission are always accessible to pilgrims and ready to help and assist them in their difficulties in the Hejaz.

(vii) Free medicine and free consultation are available for Indian pilgrims at the Government of India dispensaries at Mecca, Jeddah and Muna. Pilgrims in need are advised to avail themselves of these facilities. The Indian Medical Officer charges five rupees for a visit to the patient's lodging. Medicine is supplied free. Indigent pilgrims who are too ill to attend at the Indian dispensaries personally are attended to free in their quarters.

(viii) Pilgrims are warned in their own interests not to appoint any executor against the event of their death in the Hejaz to deal with their estates. Such appointments only involve the estate in unnecessary expenditure without corresponding advantage. The general procedure of dealing with the effects of those who die is that the local government collect them on the death of a pilgrim and eventually hand them over to the Indian Mission at Jeddah which forwards them to the authorities concerned at the ports of embarkation in India for disposal.

(ix) Pilgrims are warned that their return tickets are not transferable and are liable to confiscation if found in the possession of any unauthorised person.

1. For sub-rule (2) of rule 124, the following sub-rule shall be substituted, namely:—

2. “A fee of eight rupees shall be charged for the registration of pilgrim pass at the port of embarkation and the proceeds from the fee shall be credited to the Haj Fund and/or to any other Fund at the disposal of the Port Haj Committee in such proportion or proportions as the Central Government may direct from time to time.”

[No. F.32(39)AWT/55.]

New Delhi, the 2nd April, 1956

S.R.O. 843.—Whereas the Central Government is of opinion that the system of booking accommodation in pilgrim ships for Haj pilgrims specified in the Schedule annexed hereto should be enforced during the Haj Season in 1956;

Now, therefore, in exercise of the powers conferred by section 289C of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby exempts Messrs Mogul Line, Bombay and every other shipping company engaged in pilgrim traffic from Bombay to the Hejaz, from such provisions of the said Act and the Indian Pilgrim Ships Rules 1933, as are not in conformity with the aforesaid system of booking accommodation in pilgrim ships carrying pilgrims from Bombay to Jeddah during the year 1956.

THE SCHEDULE

System of Booking Accommodation at Bombay for Haj Pilgrims

1. *Schedule of sailings.*—Every Shipping Company shall announce a provisional schedule of outward sailings 3 to 4 months in advance. Firm dates of sailings shall be advertised by the Shipping Company at least 15 days in advance as required under the provisions of the Indian Merchant Shipping Act, 1923. The penal provisions of the Indian Merchant Shipping Act, 1923 shall operate with reference to the firm sailing dates as advertised.

2. *Advance reservations of passages.*—(i) Reservation lists for all sailings announced in the provisional schedule shall be opened by the Company simultaneously and intending pilgrims will have the option of availing passages in whatever ship they like. Such reservations shall be made only on payment of a deposit of Rs. 100/- per adult and Rs. 50/- per child accompanied by applicant's full particulars. When reservations of a particular ship are complete, the shipping company shall refuse to accept any further deposits for that particular ship.

(ii) A cabin class pilgrim may make an application for reservation of a deck passage for his servant, and may in genuine cases take any other servant than the one mentioned in the application.

3. *Registration on waiting lists.*—Persons whose deposits for advance reservation are received after the reservation of accommodation on all the ships is complete shall be kept on the Common Waiting lists with the shipping company. Persons who may not have made any advance reservation of passages but who may reach Bombay and ask for passages, shall also have to get their names registered on waiting lists with the shipping company. Registration of such persons on the waiting lists will be made on an application for registration on waiting lists accompanied by a deposit of Rs. 10 per passenger and a copy of the photograph of the person concerned. Registration on waiting lists shall be made strictly in order of the receipt of deposits aforesaid by the shipping company.

4. *Purchase of tickets.*—All persons who may have made advance reservations of passages shall have to purchase their tickets at least 3 days before the sailing date. Such of the persons as fail to purchase tickets 3 days in advance shall be

deemed to be not travelling in those ships. Passages not previously booked in particular ships or released by passengers who do not purchase their tickets 3 days in advance shall be offered according to the order referred to in paragraph 3 to the persons whose names are registered on the waiting lists.

5. *Treatment of deposits when passages are availed of.*—The deposit of Rs. 100/- or Rs. 50/- or Rs. 10/-, as the case may be, shall be accounted towards the cost of passage when the passage has been availed of.

6. *Treatment of the deposit when the passage is not availed of.*—When a person has reserved his passage and does not wish to avail of the same and gives 10 clear days' notice to the company in advance of the sailing date then his deposit shall be refunded in full.

(ii) In the case of a person who has reserved his passage but is prevented from availing of the same due to unforeseen circumstances, e.g. death in the family etc. the deposit may be refunded to him in full; any dispute that may arise shall be referred in the first instance to the Chairman, Port Haj Committee, Bombay, and if the Chairman's decision is not acceptable to the pilgrim concerned or to the shipping company, the Chairman shall refer the matter to the Presidency Magistrate or the Magistrate of the first class exercising jurisdiction in the Port. The decision of the Magistrate shall be final and there shall be refunded to the pilgrim any amount allowed to him by such decision.

(iii) A person who has reserved his passage by a particular ship but is unable to avail of the same and desires to travel by a subsequent ship, may be given full credit in respect of his deposit towards the cost of passage.

(iv) In all other cases where a person has reserved his passage but does not avail of the same, a deduction of 10% will be made while refunding the amount deposited by him.

(v) Where a person has got his name registered on the waiting list and does not avail of the passage when offered, a sum of Rs. 10/- shall be forfeited from his deposit and the balance, if any, shall be refunded to him by the shipping company.

(vi) When a person who has got his name registered on the waiting list and is not offered any passage, the amount paid by him as deposit, shall be refunded to him in full.

7. *Scrutiny.*—The records of the shipping company in respect of reservation of passages as well as waiting lists shall be open to scrutiny by the Central Government, Chairman of the Port Haj Committee, Bombay Executive Officer, Port Haj Committee, Bombay or 2 members of the Port Haj Committee, Bombay nominated by the Chairman, or any officer or officers, nominated by the Committee for this purpose.

[No. 32(20)-WANA/56.]

MOHD. YUNUS, Dy. Secy.

CENTRAL BOARD OF REVENUE

ESTATE DUTY

New Delhi, the 4th April 1956

S.R.O. 844.—The following draft of a further amendment to the Estate Duty Rules, 1953*, which the Central Board of Revenue proposes to make in exercise of the powers conferred by sub-section (1) of section 85 of the Estate Duty Act, 1953 (34 of 1953), is published as required by the said sub-section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th May, 1956.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date specified above will be considered by the said Board.

*S.R.O. 556 of 1954.

Draft Amendment

In sub-rule (1) of rule 18 of the said Rules, after clause (d), the following clause shall be inserted, namely:—

“(e) by adjustment of any refund of income-tax, excess profits tax, business profits tax or excess profits tax deposits”.

EXPLANATORY NOTE

[This note is not part of the amendment but is intended to indicate its general purport.]

Under Section 51 of the Estate Duty Act, 1953, rules 18 and 19 have been framed which lay down the method of payment of duty and deposits in respect of duty. Rule 18 provides that payment may be made by cash, cheque or bank draft. The object of the present amendment is to add a new clause to rule 18 in order to facilitate payment of estate duty by adjustment of any refund of income-tax, excess profits tax, business profits tax and excess profits tax deposits.

[No. 22/F.No.1/6/56-E.D.]

R. K. DAS, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

(**Indian Standards Institution**)

Delhi, the 2nd April 1956

S.R.O. 845—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that one licence, particulars of which are given in the Schedule hereto, annexed, has been granted authorizing the licensee to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of Validity From	Name and Address of Licensee To	Article(s)/Process covered by the licence	Relevant Indian Standard
1	CM/L-8 29-31-956	16-4-56 15-4-57	The Aluminium Corporation of India, Ltd., 7, Council House Street, Calcutta.	Wrought Aluminium and Alloys, Sheet and Strip, Grade SiC	IS:737-1955 Specification for Wrought Aluminium and Aluminium Alloys, Sheet and Strip (For General Engineering Purposes)

D. V. KARMARKAR,
Deputy Director (Marks),
Indian Standards Institution.

[No. MDC/12(26).]

Delhi, the 3rd April 1956

S.R.O. 846—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed, have been established during the period 16th to 31st March 1956.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standards established	No. and title of the Indian Standard or Standards, if any, Superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:310 (Part II)-1954 Methods of Sampling and Test for Lubricants-Part II.	..	This standard prescribes the methods of test for greases, covering test procedures for determining evaporation loss, consistency, corrosion, free alkali, free acid, drop point, fillers, mineral oil content, water content, flash point (Abel) and heat stability. (Price Rs. 4/-).
2	IS:534-1955 Specification for Benzene, Ordinary.	..	This standard prescribes the requirements and methods of test for ordinary benzene used as a chemical and as solvent. (Price Re. 1/-).
3	IS:535-1955 Specification for Benzene, Pure, Nitration Grade.	..	This standard prescribes the requirements and methods of test for pure, nitration grade benzene. (Price Rs. 1/8/-).
4	IS:598-1955 Specification for Mercerized Cotton Fabric, Grade 2, for Aircraft.	..	This standard prescribes constructional details and other particulars of mercerized cotton fabric intended for use as a covering on aeroplanes with wing loadings of 9 lbs per sq. ft. or less and <i>placard never-exceed-speeds</i> of 160 mph or less. (Price Rs. 1/8/-).
5	IS:761-1955 Specification for Ginger Oil.	..	This standard prescribes the requirements and methods of test for ginger oil used as a flavouring agent in aerated waters and in confectionery. (Price Re. 1/-).
6	IS:795-1956 Canons for Making Abstracts	..	This standard lays down canons for making abstracts for abstracting periodicals for both classified and dictionary form and also for <i>ad hoc</i> abstracts. (Price Re. 1/-).
7	IS:797-1955 Specification for Common Salt for Chemical Industries.	..	This standard prescribes the requirements and methods of test for common salt suitable for use in chemical industry. (Price Re. 1/-).

Copies of all these standards are available for sale with the Indian Standards Institution, 19 University Road, Delhi-8.

D. V. KARMARKAR,

Deputy Director (Marks),
Indian Standards Institution.

[No. MDC/11(4)].

S.A. TECKCHANDANI, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 6th April 1956

S.R.O. 847.—In pursuance of the provisions of sub-section (d) of section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the Central Government hereby re-nominate Shri S. N. Bilgrami, I.A.S., Chief Controller of Imports and Exports, New Delhi, as a member of the Indian Central Oilseeds Committee for another term of three years with effect from the 1st April, 1956.

[No. F.6-2/56-Com.I]

MOKAND LALL, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 4th April 1956

S.R.O. 848.—In exercise of the powers conferred by clause (e) of section 3 of the Dentists Act, 1948 (XVI of 1948) the Government of Uttar Pradesh have nominated Dr. P. D. Srivastava, Additional Director of Medical and Health Services, Uttar Pradesh, as a member of the Dental Council of India to represent that State Vice Col. A. N. Chopra resigned.

[No. F. 6-35/55-M. I.]

K. BIHARI, Under Secy.

New Delhi-2, the 7th April 1956

S.R.O. 849.—In exercise of the powers conferred by rule 4 of the Indian Aircraft (Public Health) Rules, 1954, and in supersession of the notification of the Government of India in the Ministry of Health No. F.16-1/54-PH(D.743IH55), dated the 17th October, 1955, the Central Government hereby directs that an aircraft on entering India from any place outside India, shall land only at Bombay Airport (Santa Cruz) or Calcutta Airport (Dum Dum).

Provided that nothing contained in this notification shall apply to:—

- (i) an aircraft operating between Ceylon and India via Tiruchirappalli or Madras Airport;
- (ii) an aircraft operating between Afghanistan and India via Amritsar;
- (iii) an aircraft operating between Singapore and India via Madras Airport;
- (iv) an aircraft operating between Nepal and India.

[No. F.16-2/56-IH.]

A. T. SESHADRI, Under Secy.

MINISTRY OF TRANSPORT

(Transport WIng)

PORTS

New Delhi, the 9th April 1956

S.R.O. 850.—In exercise of the powers conferred by section 7 and sub-section (2) of section 9 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), and in supersession of the Ministry of Transport Notification No. 8-PI(219)/55, dated the 3rd October 1955, the Central Government hereby appoints the Director General of Shipping, Bombay to be a member of the Bombay Port Trust Board (representative of the Mercantile Marine Department, Bombay).

[No. 8.C-PI(36)/56.]

K. NARAYANAN, Under Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 7th April 1956

S.R.O. 851.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXXII of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1937, the same having been previously published as required by section 14 of the said Act, namely:—

In the said Rules, for rule 79, the following rule shall be substituted, namely:—

"79. Places other than Government aerodromes.—A place in India, other than a Government aerodrome shall not be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by any aircraft carrying passengers for hire or reward unless:—

- (a) it has been licensed for the purpose, and save in accordance with the conditions prescribed in such a licence; or
- (b) it has been approved by the Director General, subject to such conditions as he may deem fit to impose, for the purpose of giving joy-rides for hire or reward.”

[No. AR/1937(17)F.No.10-A/70-55.]

S. MULLICK, Dy. Secy.

(Posts and Telegraphs)

New Delhi, the 31st March 1956

S.R.O. 852.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898) the Central Government hereby makes the following further amendment in the Indian Post Office Rules, 1933, namely:

In clause (b) of rule 183 of the said Rules, for the words “and Gujarat University”, the words “Gujarat University and Utkal University at Cuttack” shall be substituted.

[No. C. 24-3/56.]

V. M. BHIDE. Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 31st March 1956

S.R.O. 853.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Vindhya Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule below;

THE SCHEDULE

All evacuee properties comprising agricultural lands in the State of Vindhya Pradesh, except all such properties falling under any one or more of the following categories:—

(1) any such property—

- (i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evacuee property; or
- (ii) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification or in respect of which a certificate under sub-section (1) of that section has been granted but no application under sub-section (2) of that section for its restoration has been made.

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section.

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951).

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not.

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. SIII-1(11)(1)/56.I]

S.R.O. 854.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Vindhya Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule below.

THE SCHEDULE

All rural houses in village abadis in the State of Vindhya Pradesh, that is to say, houses situated in any area in that State outside the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area or a small town committee or a cantonment as those limits existed on the 15th August, 1947, which have been declared or are deemed to have been declared as evacuee properties under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) except all such properties falling under any one or more of the following categories:—

(1) any such property—

(i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evacuee property; or

(ii) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification or in respect of which a certificate under

Sub-Section (1) of that section has been granted but no application under sub-section (2) of that section for its restoration has been made.

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section.

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951).

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not.

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. SIII-1(11)(1)/56.II.]

S.R.O. 855.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Himachal Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule below.

THE SCHEDULE

All evacuee properties consisting of agricultural lands and groves (including gardens) in the non-urban areas in the State of Himachal Pradesh except all such properties falling under any one or more of the following categories:—

(1) any such property—

(i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evacuee property; or

(ii) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification, or in respect of which a certificate under sub-section (1) of that section has been granted but no application under sub-section (2) of that Section for its restoration has been made;

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section;

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951);

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not;

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. SIII-1(16)(1)/56.I].

S.R.O. 856.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Himachal Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule below.

THE SCHEDULE

All rural houses in village abadi in the State of Himachal Pradesh, that is to say, houses situated in any area in that State outside the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area or a small town committee or a cantonment as those limits existed on the 15th August 1947, which have been declared or are deemed to have been declared as evacuee properties under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) except all such properties falling under any one or more of the following categories:—

(1) any such property—

(i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evacuee property; or

(ii) in respect of which the period of limitation if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired;

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification, or in respect of which a certificate under sub-section (1) of that section has been granted but no application under sub-section (2) of that section for its restoration has been made;

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section;

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951).

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not;

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. SIII-1(16)(1)/56.II].

S.R.O. 857.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Madhya Bharat for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is

notified that the Central Government has decided to acquire, and hereby acquires, the evauee properties specified in the Schedule below.

THE SCHEDULE

All evauee properties comprising agricultural lands in the State of Madhya Bharat except all such properties falling under any one or more of the following categories:—

(1) any such property—

(i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evauee property; or

(ii) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evauee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration is pending at the date of this notification or in respect of which a certificate under Sub-section (1) of that section has been granted but no application under Sub-section (2) of that section for its restoration has been made.

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section.

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951)

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evauee property or not.

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. SIII-1(9)(2)/SIII/56.I]

S.R.O. 858—Whereas the Central Government is of opinion that it is necessary to acquire certain evauee properties in the State of Madhya Bharat for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment or compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evauee properties specified in the Schedule below.

THE SCHEDULE

All rural houses in village abadis in the State of Madhya Bharat, that is to say, houses situated in any area in that State outside the limits of a corporation, a municipality, a municipal committee a notified area committee, a town area or a small town committee or a cantonment as those limits existed on the 15th August, 1947, which have been declared or are deemed to have been declared as evauee properties under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) except all such properties falling under any one or more of the following categories:—

(1) any such property—

(i) in respect of which proceedings are pending before any authority at the date of this notification under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) in which the question at issue is whether the property is or is not evauee property; or

(ii) in respect of which the period of limitation, if any, fixed for an appeal or revision under the said Act for disputing the vesting of the property in the Custodian as evacuee property has not expired.

(2) any such property in respect of which an application for the grant of a certificate under sub-section (1) of section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) is pending at the date of this notification or in respect of which the period of limitation fixed for making such application has not expired.

(3) any such property which has been restored under section 16 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which an application under sub-section (2) of that section for its restoration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which under sub-section (1) of that section has been granted but no application under sub-section (2) of that section for its restoration has been made.

(4) any such property which before the date of this notification has been transferred and the transfer is effective under section 40 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) or in respect of which any proceedings are pending at the date of this notification under that section.

(5) any such property which is a composite property within the meaning of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951).

(6) any such property in respect of which any proceedings are pending in a Civil Court wherein the question at issue is whether the property is evacuee property or not.

(7) any such property which at the date of this notification is being treated or is being managed as a trust property for a public purpose of a religious or charitable nature under sub-section (1) of section 11 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

[No. SIII-1(9)(2)/56.II.]

I. N. CHIB, Dy. Secy.

MINISTRY OF LABOUR.

New Delhi, the 4th April 1956

S.R.O. 859—The following draft of certain further amendments to the Employees' State Insurance (Central) Rules, 1950, which the Central Government proposes to make in exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th April, 1956

Draft Amendments

In the said rules, for the words "First of October" "twentieth of October" and "first of November" occurring in sub-rules (1), (4) and (5) of rule 31, the words "first of February", "twentieth of February" and "first of March", respectively, shall be substituted

[No. F.HI-1(22)/56.]

K. N. NAMBIAR, Under Secy.

New Delhi, the 5th April 1956

S.R.O. 860.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, framed under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri K. S. Naik, Provident Fund Inspector, Hyderabad to be the Regional Provident Fund Commissioner for the whole of the State of Hyderabad, in addition to his own duties, vice late Shri Medhi Ali Mirza and further directs that the said Shri K. S. Naik shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. PF.31(66)/54.]

S.R.O. 861.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the Narang Bank Limited, Delhi, and its workmen regarding the termination of the services of Shri Inder Sain Sabharwal.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 21 OF 1955.

PRESENT:

Shri P. S. Bindra, B.A., LL.B., Chairman.

PARTIES:

The employers in relation to the Narang Bank Limited, Delhi.

and

Their workmen.

APPEARANCES:

Shri M. L. Bagai and Shri Kundanlal Nagrath—*For the employers.*

Shri H. L. Puri, General Secretary, Delhi State Bank Employees Federation and Shri Inder Sain Babharwal—*For the workmen.*

AWARD

By Government of India, Ministry of Labour, Order No. LR.100(48)/55, dated 2nd August, 1955, the industrial dispute between the employers in relation to the Narang Bank Limited, Delhi, and their workmen in respect of the following matter has been referred to this Tribunal for adjudication:—

“Whether the termination of the services of Shri Inder Sain Sabharwal, an accountant of the Bank at Delhi, was justified and/or the relief, if any, to be granted to him.”

2. The Delhi State Bank Employees Federation representing the workmen contended that Shri Inder Sain Sabharwal, joined the service of the Narang Bank of India, Limited, at its Lahore office in March, 1943, that on Partition of India the bank shifted its office from Pakistan to India and that Inder Sain Sabharwal, continued to be in the service of the Bank, but was charge-sheeted on 25th March, 1955, and his services were wrongly terminated on 12th May, 1955, with effect from 6th April, 1955 (the day when he was suspended). It is further contended that the Labour Appellate Tribunal of India (Bank Disputes) award as modified by the Government of India, became enforceable on 1st December, 1954 and that the employees sought implementation of the award on 27th December, 1954 and that Inder Sain, along with Pishori Lal and Tilak Raj took the leading part in getting the award implemented and they sent representations to the Bank, the copies of which are marked Exhibits 1 and 2. It is further stated that having failed to get the award implemented, they approached the Conciliation Officer on 8th January, 1955, and made several representations and that on account of the said activities, the management got annoyed with Inder Sain Sabharwal and his colleagues and therefore they served a charge-sheet on him on 25th March, 1955 containing ‘the frivolous’ charges. The copy of the charge-sheet is marked Exhibit 3. It is further stated that the charges were properly replied to and that the enquiry conducted by the manager was not proper as a practising lawyer Shri Mohanlal Bagai, who was present throughout the proceedings interfered in the enquiry. Anyhow both parties led evidence and finally as a result of this enquiry Shri Inder Sain Sabharwal, was dismissed by the Chairman of the Narang Bank of India on the report made by the enquiry officer, *viz.*, Shri Kundanlal Nagrath, the Manager. In short the case for the union is that it is a case of victimisation as award.

3. In reply the management has stated that it is true that Inder Sain Sabharwal joined the service of the Bank in 1943, at Lahore but after Partition he did not rejoin the Bank at Delhi. He however came back to the Bank in December,

1948, and requested for accommodation but the Bank was not in a position to take him but on his entreaties he was allowed to be taken as a temporary hand, subject to removal on 24 hours notice. This agreement was signed by Shri Inder Sain Sabharwal on 3rd September, 1949, which is attached as Annexure I, to the written statement of the Bank. It is further stated that Shri Inder Sain Sabharwal's work and conduct after partition could not be said to be satisfactory but the management tolerated him and made no written remarks about it. One increment was also given to him in 1953. It is further contended that the Bank Award was not applicable to this Bank as all the employees of the Bank had entered into an agreement with the Bank agreeing to have *status quo* considering the financial condition of the Bank. The Bank applied to the Labour Appellate Tribunal for exclusion of this Bank from the application of the Sastry Award. It is further stated that it is true that Inder Sain Sabharwal wrote to the Conciliation Officer for the implementation of the award but it is maintained that it is not a case of victimisation and he has been punished for gross insubordination and misconduct. The parties agreed to admit the whole proceedings of the enquiry in evidence without any further proof. The parties were allowed to supplement their evidence. Both parties filed affidavits of their witnesses and a chance was given to both parties to cross-examine the witnesses whose affidavits were filed. The management did not want to cross-examine any of the witnesses of the union but the union cross-examined Shri K. L. Nagrath, Manager of the Bank, Shri K. D. Singh, Internal Auditor of the Bank, Shri Lal Bahadur, Peon, and Shri Harnam Dass, Cashier of the Bank, whose affidavits were filed by the Bank.

4. I first take up charges 6 and 8 which are most material.

Charge 6.—The other day before some members of the staff you said to me:

"Main Ney Abhi to kuch kiya hee nahi. Mai to aap logon ko kaid kara sakta hu."

(I have done nothing so far. I can get you people imprisoned).

K. L. Nagrath, Manager of the Bank, stated that one evening after office hours he and Shri K. D. Singh were sitting when Shri Inder Sain Sabharwal and some of the members of the staff came to his room and discussion arose about the award. He says that Shri Inder Sain Sabharwal, in a threatening mood, used the following words towards them:

"Main Ney Abhi to kuch kiya hee nahi. Main to aap logon ko kaid kara sakta hu"

[So far I have done nothing. I can get you (people) arrested.]

He further stated that on this Shri K. D. Singh, uncomfortably laughed it away. He maintained that it was certainly not a joke. Shri K. D. Singh, Internal Auditor of the Bank, corroborated him. Shri Dharam Vir, also supported the above two witnesses. Shri Inder Sain Sabharwal, in his reply to the charge-sheet, stated as follows:—

"Para 6, is utterly untrue. This is something from the guilty conscience, since you know that your act in not implementing the Award is against law and is punishable."

During the inquiry (Exhibit 5) Inder Sain Sabharwal, examined himself as a witness but did not say a word about this incident. Inder Sain Sabharwal has also filed an affidavit before me and simply stated that the charges against him were false but did not say a word about this incident. In the course of the inquiry (Exhibit 5) he however examined two witnesses about this incident namely Shri Tilak Raj and Pishori Lal. Shri Tilak Raj stated as follows:—

"He was joking with Mr. Singh. They were talking about the award. Mr. Singh, was telling Mr. Inder Sain that he should not talk much about the award. Mr. Inder Sain was talking that the award is not being implemented. Mr. Singh, told him that if he continued to talk about the award in the same strain, Mr. Singh, would get him dismissed as he said management was his own. In reply to this Mr. Inder Sain said to Mr. Singh in a joke I will get you arrested. Thereafter the joke ended in laughter."

From the above it will be evident that it was not a joke but a serious talk in which Inder Sain Sabharwal wanted the management to implement the award. According to this witness Mr. Singh, asked Inder Sain Sabharwal, to desist from talking about the award and that otherwise he would get him dismissed and that

in reply he said that he will get him arrested. If Mr. Singh, gave a threat of dismissal and Inder Sain Sabharwal, replied that he would get Mr. Singh, arrested, then in no case it can be treated as a joke but according to the witness himself a heated discussion was going on about the implementation of the award. This excuse of a joke appears to be an after thought and has been coined after the evidence of Shri K. D. Singh, before the enquiry officer. There was not a word about it in the reply given by Inder Sain Sabharwal, to the charge-sheet. Shri Inder Sain Sabharwal has himself intentionally omitted to refer to this incident in his statement before the enquiry officer and in his affidavit filed by him before me. The threat was not towards Shri K. D. Singh, alone but it was addressed to the manager as well, as he used the words "Tum Logon ko (you people)." It appears that Shri K. D. Singh, pocketed the insult and tided over the awkward situation by pretending to laugh. The union has also examined Shri Pishori Lal, before the enquiry officer whose version is as follows:—

"The position is like this. One day after banking hours, Industrial Disputes Act had been brought out of which Inder Sain read out a clause whereby non-implementation of award was punishable. There was a talk going on with K. D. Singh, by way of joke".

Reading the evidence as a whole, I have no doubt that without any provocation or justification, Shri Inder Sain Sabharwal, insulted the Manager and the Internal Auditor of the Bank by threatening them to get them imprisoned. Para 521 of the Sastry Award deals with the disciplinary action and in sub-clause (4) the expression "gross misconduct" has been defined. Clause (c) thereof runs as follows:—

"Drunkenness or riotous or disorderly or indecent behaviour on the premises of the bank".

The present incident occurred in the premises of the Bank in the Manager's room and it was a deliberate insult hurled upon the management without any justification. Shri Inder Sain Sabharwal was guilty of gross misconduct and therefore the management was justified in dismissing him.

5. Charge No. 8.—It reads as follows:—

"You are doing part-time work of some firms without the permission of the Bank authorities".

Inder Sain did not deny the fact in the charge sheet and wrote as follows:—

"The fact of my doing part time work is well in your knowledge since long when you did not think it proper to raise any objection. The permission of the Bank is not at all necessary. I have read the award thoroughly and I do not find therein any condition to obtain the permission from the Bank. I would however be glad to know from you if there is any provision in the award. On knowing the same from you, I will discontinue doing part time work".

From the above it will be evident that according to him, no permission of the Bank was necessary for doing part time work and that he was actually doing part time work. In fact, he has examined Shri Kessar Dass Juneja (A.1), who states that Shri Inder Sain Sabharwal, is known to him since 1950 and that he has been doing part time work as an accountant in his firm known as Cycle and Gramophone Stores. He has however stated that Shri Inder Sain Sabharwal was introduced to him by Shri K. L. Nagrath, Manager of the Bank when he had requested him to supply him a competent accountant. He has also said that Shri K. D. Singh, Internal Auditor also recommended Inder Sain Sabharwal for doing the part time work in his firm. This evidence has been introduced to show that the management agreed to his doing part time work with other concerns. Shri K. L. Nagrath, Manager of the Bank and Shri K. D. Singh, both have contradicted this witness and I see no reason to disbelieve them. In fact, Inder Sain Sabharwal in his written statement did not say that permission was ever taken by him from the management. On the other hand, he maintained that no permission was necessary. Para. 521 clause (4) (a) of Sastry Award runs as follows:—

"engaging in trade or business outside the scope of his duties except with the permission of the bank".

Such a conduct has been termed as 'gross misconduct' for which an employee can be dismissed without notice. The union however tried to show that one K. N. Suri, was also dealing in shares. Dealing in shares stands on a different footing

than doing part time work of an accountant for some other firm. Many Government servants also deal in shares but they cannot be allowed to do any part time work for anybody else. His statement that he has been supplying stationery has not been corroborated by any independent evidence. Shri Inder Sain Sabharwal, has been obtaining leave on false prettexts for doing part time work for other concerns during office hours and this shows that he treated his service in the Bank as a part time job. Such an employee cannot be tolerated in service by the Bank and the Bank was justified in dismissing him.

6. Charge No. 1.—It runs as follows:—

"On 17th January, 1955 you applied for half day's leave but you did not turn up at all that day. Again on 18th January, 1955, we received your application for leave for one day on account of illness. On the 18th evening Ram Lakan Peon, met you at your residence and you told him that you were all right and so would attend office from 19th January, 1955, but you did not come on the 19th and 20th. We received your application on 20th January, 1955, for granting leave for 19th and 20th on account of illness, through Mr. Peshouri Lal. At 11 a.m. on 20th January, 1955, Lal Bahadur peon, went to your house and found that you were not there. He went again in the evening at about 4 p.m. and even at that time you were not at home. He stayed there till 6 p.m. and upto that time you had not come back home. You were not ill but you were staying away from office for doing urgent work of those for whom you work part time".

I have gone through the evidence and find that this charge has also been established by the evidence of Ram Lakan, peon, and Lal Bahadur, peon, supported by Exhibits 26 and 30 and by the letters of the daughter of Shri Inder Sain Sabharwal, marked Exhibits 27 and 28. Ram Lakan has tried to improve upon his statement which is evident from his slip marked Exhibit 30.

7. Charge No. 7.—It runs as follows:—

"Last Friday, on 18th March, 1955, during working hours when you were idly away your time and that of some other members of the staff by talking to them, I took an exception to that when you said to me. Do the worst you can".

I have considered the evidence and this charge is proved by the evidence of K. L. Nagrath, Manager, who states that on 18th March, 1955, Shri Inder Sain Sabharwal, was not working properly and when he told him that there was enough work and that he should not while away his time in talk and complete the work, he replied that he will do the work in his own way and remarked "do the worst you can". The evidence produced by the union is not worthy of credit.

8. So far as the rest of the charges (Charge Nos. 2, 3, 4, 5, and 9) are concerned they are not material and could not be dismissed as they amounted to "minor misconduct". Under the circumstances, I am of opinion that the termination of Services of Shri Inder Sain Sabharwal, an Accountant of the Bank, was justified and no relief can be granted to him.

9. I pass my award accordingly.

The 28th March, 1956.

P. S. BINDRA, Chairman.

Central Government's Industrial Tribunal Dhanbad.

[No. LR.100(48)/55.]

New Delhi, the 6th April 1956

S.R.O. 862.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes), in the matter of an application under section 33A of the said Act from Shri Girja Singh of Central Kirkend Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES), CALCUTTA

APPLICATION NO. 55 OF 1955 (U/S 33A OF THE ACT)

PRESENT

Shri J. N. Majumdar—Chairman.

Shri S. P. Chopra—Member.

Shri T. N. Mallappa—Member.

PARTIES

Shri Girja Singh, Underground Trammer, Central Kirkend Colliery, P.O. Kusunda, District Manbhum—Applicant.

Versus

Messrs. Central Kurkend Coal Co. Ltd., Central Kurkend Colliery, P.O. Kusunda, District Manbhum—Opposite Party.

APPEARANCES

Shri Lalit Burman—For the Applicant.

Shri S. Sen, Advocate—For the Opposite Party.

AWARD

Dated, the 20th February, 1956

This is an application by Shri Girja Singh under section 33A of the Industrial Disputes Act against the Management of the Central Kurkend Coal Co. Ltd. The management has filed a reply statement. But it is not necessary to go into the merits of the dispute raised by the applicant as the parties have come to terms embodied in the written memorandum which runs as follows:—

“The parties come to the following terms:—

1. That the opposite party will pay a lump sum of Rs. 200 (Two hundred) only to the applicant for settling the case.
2. That the applicant on getting payment of the above amount will forego his claim for job and all other claims i.e. he will have no further claim for the opposite party.

It is, therefore, prayed that the above matter may kindly be disposed of on the above terms and an award may be passed accordingly.

Dated, the 30th January 1956.

(Sd.) Illegible, Manager,

for the Opp. Party

(Sd.) LALIT BURMAN, for the applicant.

(Sd.) GIRJA SINGH,

Under the circumstances we pass an award in terms as stated above.

(Sd.) J. N. MAJUMDAR, Chairman.

(Sd.) S. P. CHOPRA, Member.

(Sd.) T. N. MALLAPPA Member.

[No. LRJ-55-2(2)/56-1.]

S.R.O. 863.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes), Calcutta, in the matter of an application under section 33A of the said Act from Shri Gokul Dom of Ratibati Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES), CALCUTTA

APPLICATION NO. 60 OF 1955 UNDER SECTION 33A OF THE ACT.

PRESENT

Shri J. N. Majumdar—Chairman.

Shri S. P. Chopra—Member.

Shri T. N. Mallappa—Member.

PARTIES

Shri Gokul Dom, C/o Colliery Workers Union, G. T. Road, Assansol, Burdwan—Applicant.

Versus

Ratibati Colliery, P.O. Kalipahari, District Burdwan—Opposite Party.

APPEARANCES

Shri Kalyan Roy, of I.M.W.F.—For the Applicant.

Shri M. I. Rawal—For the Opposite Party

AWARD

Dated, the 20th February, 1956

This is an application under section 33A of the Industrial Disputes Act, 1947 by a workman belonging to the Ratibati Colliery against the colliery. The Colliery has filed a reply statement.

The applicant states that he was employed as a winding engine driver when the management over and above his duty as a winding engine driver ordered him to handle the endless haulage engine also. On 12th April, 1955 when he was working the haulage engine one Jiten Bhuiyan without his knowledge overwound the winding engine causing injury to another worker. The applicant did not ask or request Jiten Bhuiyan to handle the winding engine at any time. On 13th April, 1955 when the applicant went to work he was told by the pit-in-charge of his discharge and was asked not to come. On 14th April 1955 he was served with a charge-sheet which was false to the knowledge of the opposite party. The applicant replied to charge-sheet on 18th April, 1955. On 19th April, 1955 the applicant applied to the Manager for permitting him to join duty when the Manager told him about his dismissal. The above action was taken without giving any hearing or any proper enquiry and in violation of section 33 of the Industrial Disputes Act, 1947.

The Colliery in the reply statement admits that the workman was in charge of the winding engine and the endless haulage, but accuses the workman of having left his duty and asked Jiten Bhuiyan to perform the duty of attending to the winding engine. The reply statement proceeds to say that the workman was treated leniently and suspended for three days from 18th April, 1955 and that after the period of suspension which expired on 21st April, 1955 the workman did not report for duty and that under those circumstances there was no question of the colliery dismissing him as the workman had voluntarily absented himself after 21st April, 1955 and abandoned service.

When the application was taken up on 18th February, 1956 the Colliery applied for an adjournment on the ground that the papers were with the lawyer who was not in a position to attend the Tribunal that day. We were not satisfied that there was sufficient ground for an adjournment and decided to dispose of the application on merits on the available materials.

From the records on our file we find that the workman was served with a charge-sheet on 14th April, 1955. He sent a reply on 18th April, 1955. In his reply he stated that when he went to look after the haulage engine, the case reported against him happened and that he was not responsible for the same. We find on the reverse of the charge-sheet a statement given by Jiten Bhuiyan in which he says that the workman came to him and asked him to drive the engine and that he drove the same on his direction. He tenders an apology for the same. It does not appear that the statement was recorded in the presence of the workman nor does it appear that he was informed in advance about any proposed enquiry by the management. There is an endorsement on the charge-sheet by the Manager suspending the workman for three days. There is no material on the basis of which we can conclude that this order of suspension was communicated to the workman. When the workman wrote to the

Manager on 19th April, 1955 stating therein what all he has stated now in his application the Manager did not choose even to inform him that he had been suspended for three days. The least that the workman was entitled to was a hearing which does not appear has been given to him at any stage. In these circumstances we find it very difficult to agree with the management that this is a case of voluntary abandonment of service. The applicant is entitled to an award, directing reinstatement with back wages. The applicant will report himself for duty within a fortnight from the date of the publication of the award. We, therefore, pass an award accordingly.

(Sd.) J. N. MAJUMDAR, *Chairman.*

(Sd.) S. P. CHOPRA, *Member.*

(Sd.) T. N. MALLAPPA, *Member.*

[No. LRII-55-2(2)/56-II.]

New Delhi, the 7th April, 1956

S.R.O. 864.—In pursuance of section 7 of the Industrial Disputes Act 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the matter of an application under section 33A of the said Act from Shri Kishun Chand, Pointsman, Dehri Rohtas Light Railway Company, Limited, Dalmianagar.

CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL AT DHANBAD.

APPLICATION No. 345 of 1955

(arising out of Reference No. 15 of 1954)

In the matter of an application U/s 33A of the Industrial Disputes Act, 1947

PRESENT

Shri P. S. Bindra, B.A.LL.B.—*Chairman.*

PARTIES

Kishun Chand, Pointsman—*Complainant*

Vs.

Dehri Rohtas Light Rly. Co Ltd., Dalmianagar.—*Opposite Party.*

AWARD

This is a complaint under section 33A of the Industrial Disputes Act, 1947.

2. The complainant withdraws his application and it is hereby dismissed.
I pass my award accordingly.

(Sd.) P. S. BINDRA, *Chairman.*

Central Government's Industrial
Tribunal Dhanbad.

[No. LR-3(72)/54].

S.R.O. 865—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the matter of an application under section 33A of the said Act from Shri Parimal Kumar Guha, an employee of the Bombay Mutual Life Assurance Society Limited, Calcutta.

CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL AT DHANBAD.

APPLICATION No. 353 of 1955

(arising out of Reference No. 23 of 1954)

In the matter of an application U/s 33A of the Industrial Disputes Act, 1947.

PRESENT

Shri P. S. Bindra, B.A.LL.B., *Chairman*

PARTIES

Shri Parimal Kumar Guha—*Complainant*

Vs.

Zonal Manager, Bombay Mutual Life Assurance Society Ltd., 9, Brabourne Road, Calcutta-1—*Opposite Party.*

AWARD

This is a complaint under section 33A of the Industrial Disputes Act, 1947.

2. The complainant (Shri Parimal Kumar Guha) has withdrawn his application and hence it is dismissed.

I pass my award accordingly.

(Sd.) P. S. BINDRA, *Chairman,*

Central Governments Industrial
Tribunal, Dhanbad,
[No. LR-90(35)/55.]

S.R.O. 866.—The following decision of Shri D. E. Eeuben, Member, Appellate Tribunal, in respect of a matter referred to him under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955, by the notification of the Government of India in the Ministry of Labour No. S.R.O. 3786 dated the 21st December 1955, as amended by S.R.O. 119, dated the 4th January 1956 is hereby published for general information.

IN THE HONOURABLE LABOUR APPLATE TRIBUNAL OF INDIA AT BOMBAY

REFERENCE No. 2 OF 1955.

BETWEEN

Certain workmen of:—

- (1) the Raghunathmull Bank, Limited, Hyderabad,
- (2) the Bank of Bikaner, Limited, Jaipur,
- (3) the Bank of Jaipur, Limited, Jaipur

AND

- (1) the Raghunathmull Bank, Limited, Hyderabad,
- (2) the Bank of Bikaner, Limited, Jaipur,
- (3) the Bank of Jaipur, Limited, Jaipur.

In the matter of interpretation of paragraph 292 of the award of the All India Industrial Tribunal (Bank Disputes), Bombay.

The 22nd day of March, 1956

PRESENT

Shri D. E. Reuben, Member.

APPEARANCE:—

For the workmen:—

Shri A. C. Kakar, President, All India Bank Employees Association, assisted by Shri S. C. Ajmera, Shri R. L. Khandelwal of the Rajasthan Bank Employees Union, Shri Brij Gokul Singh of Raghunathmull Bank Staff Association, Shri K. J. Joseph, Shri P. K. Menon and Shri K. K. Mandal.

Shri R. K. Bhanot of the Association of the Punjab National Bank Employees for the workmen of the Punjab National Bank, Limited, Delhi.

For the:—

(1) The Raghunathmull Bank, Ltd. Hyderabad:	No appearance.
(2) The Bank of Bikaner, Ltd., Bikaner	: Shri T. N. V. Raman.
(3) The Bank of Jaipur, Ltd., Jaipur	: Shri Tenubhai D.
	: Desai, Solicitor,
	: Bombay.
(4) The Punjab National Bank, Ltd. Delhi	: Shri J. P. Thacker, Solicitor with Om Prakash Gupta.

DECISION

1. This is a Reference under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955, for the interpretation of paragraph 292 of the award of the All India Industrial Tribunal (Bank Disputes), popularly known as the Shastri Tribunal.

2. The relevant portion of paragraph 292 of the award, as modified by the Appellate decision under section 3 of the Act, is as follows:—

*We have carefully considered all the different aspects of the question. We give the following directions:—

Section II—For workmen who entered service of the bank before 31st January, 1950.

- (1) The workman's basic pay on 31st January, 1950 shall not be reduced in any case.
- (2) Subject to rule (1) the adjusted basic pay in the new scale shall not exceed what point-to-point adjustment would give him or the maximum in the new scale.
- * * * * *
- (4) Subject to rules (1) to (3) a workman's basic pay in the new scale shall be fixed in the following manner:—
 - (a) A workman shall first be fitted into the scale of pay fixed by our award (herein called the new scale) by placing him at the stage in the new scale equal to, or next above his basic pay as on 31st January 1950 in the pre-Sen scale then in force (herein called the existing scale).
 - (b) To the basic pay into which he is fitted under clause (a) annual increment or increments in the new scale as from that stage onwards should be added at the rate of one increment for every completed three years of his service in the same cadre as on 31st January 1950.
 - (c) Such increments shall not however exceed four in number.
- * * * * *

(4A) After adjustment, are made in accordance with clauses (a), (b), and (c) *supra* two further annual increments in the new scale will be added thereto for service for the two years 1951 and 1952. In addition the workman will be entitled to draw his normal increment for 1953 on 1st April 1953. Thereafter, each succeeding year's annual increment shall take effect as and from 1st April of that year.

- (5) (a) Where a workman received an additional increment or increments in his basic pay either at the initial start or by way of special promotion later on, his length of service will be taken to be the period which would ordinarily be necessary to bring a workman with the usual initial start without special promotion to that basic pay as on 31st January 1950, in the existing scale (fractions being rounded off to the nearest integer).
- (b) Similarly where a workman's increment or increments have been withheld prior to 31st January 1950 the length of service in his case will be calculated by subtracting the number of years for which the increments have been withheld.
- * * * * *

Section III—For workmen who joined service of the bank after 31st January, 1950.

- (7) The workman shall be fitted into the new scale of pay on a point-to-point basis as though it had been in force since he joined the service of the bank, provided that his adjusted basic pay is not less than what it would be under a point-to-point adjustment on the corresponding 'pre-Sen' scale.
- * * * * *

Section IV—General rules applicable to all workmen.

- (10) Wherever as a result of the adjustment as directed above the total emoluments under the new scale made up of basic pay, dearness allowance, special allowance and house rent allowance fall short of the total emoluments of any workman under the above heads as on 31st January, 1950, the difference shall be given to him by way of an additional allowance (to be called "Temporary adjustment allowance") until such difference is fully absorbed by future increments in the new scale.
- * * * * *

3. The question which I am asked to answer is: "Whether for computing the length of service for purposes of fixation of pay in accordance with the directions contained in paragraph 292 of the award of the All India Industrial Tribunal (Bank Disputes) constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th day of January 1952, modified as aforesaid, additional increment or increments either at the initial start or by way of special promotion, granted after the 31st January 1950, should be taken into account in respect of either or both of the following categories of such workmen specified below, namely:—

- (1) Those who entered service on or before the 31st January, 1950.
- (2) Those who entered service after 31st January, 1950."

4. The Reference was argued before me on behalf of the workmen of the Raghunathmull Bank Ltd., Hyderabad, the Bank of Bikaner, Ltd., Bikaner and the Bank of Jaipur, Ltd., by Shri A. C. Kakar, President, All India Bank Employees' Association. He relied on the principles to be deduced from rules 1 to 5 cited above, and argued that the intention of the Tribunal is apparent, namely to ensure that in the process of adjustment the basic pay of the workmen is not reduced, that due weightage is given to length of service, that the workmen are given the advantage of any special increment they have received either at the start or during the course of their service, and that they are given such increments as may have fallen due after the date from which the adjustment is made. This is in accord, he urges, with the ideas of the Industrial Courts regarding social justice. In the light of these considerations he urges that old entrants, by which term I mean those who entered service on or before 31st January 1950, should be given the advantage of additional increments received after the 31st January 1950. As regards new entrants, that is persons who entered service after 31st January 1950, he urges that rule 7 should be read in the light of rules 1 to 5 as requiring due consideration to be given for additional increments received by them. He argued further that, on a proper reading of rule 7 with rule 5 and paragraph 286 of the award, new entrants are entitled to get the benefit of additional increments received by them. His reasoning is as follows: Under rule 7 new entrants are directed to be fitted into the new scales on a point-to-point basis. Point-to-point basis is defined in paragraph 286 of the award as "the placing of each employee at that stage in the new scale to which he would have risen by reason of length of service if he had entered service on the new scale"; in other words, the employee is to be fitted into the new scale giving him credit for his full length of service. Shri Kakar points out that, in rule 5 of paragraph 292 of the award, length of service has been specially defined, namely that where an additional increment or increments have been received the length of service will be taken to be the period which would ordinarily be necessary to bring a workman with the usual initial start without special promotions to his basic pay on the relevant date. Shri Kakar argues that length of service having been so defined this definition should be held to apply to rule 7. Shri Kakar's argument as to old entrants was adopted by Shri R. K. Bhanut, Member of the Executive Committee of the Association of the Punjab National Bank Employees, who represents the workmen of the Punjab National Bank Ltd., Delhi. Apparently, this Association was principally concerned with the case of new entrants who are ex-employees of the Bharat Bank, Ltd., and were employed by the Punjab National Bank, Ltd., after 31st January, 1950. These workmen, he stated, were taken on by the Punjab National Bank, Ltd., on different rates of wages according to their experience and the particular capacity in which they were employed. Taking the particular case of an employee who was engaged on an initial wage of Rs. 105 as against the minimum of Rs. 75 in the Bank's scale of wages, he urged that the period for which the employee would have to serve in ordinary course to rise from Rs. 75 to Rs. 105 should be taken to have been his length of service on the date when he commenced service. This is the same argument as put forward by Shri Kakar on the basis of rule 5 and paragraph 286 of the award.

5. Before dealing with the subject matter of the reference, it is necessary to dispose of a preliminary objection raised by Shri Kakar to the appearance of a legal practitioner, Shri Tanubhai Desai, on behalf of the Jaipur Bank, Limited. Shri Kakar relies for his objection on the general practice of the Industrial Courts and the provisions of section 33 of the Industrial Disputes (Appellate Tribunal) Act. Section 33 in express terms relates to "proceedings under this Act", whereas the present proceeding is under an entirely different Act. As for the so called practice of the Industrial Courts, it is based upon statutory provision, for example see sub-sections (3) and (4) of section 36 of the Industrial Disputes Act, 1947, and section 83A of the Bombay Industrial

Relations Act, 1946. There is no such restriction in the Act under which the Reference has been made to me. Hence, the preliminary objection fails.

6. Under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955 the Central Government is empowered to refer for decision any matter in respect of which a difficulty or a doubt has arisen "as to the interpretation of any provision" of the award. My powers under this provision, therefore, are limited to the matter of interpretation, and a consideration as to what social justice requires is irrelevant. I have to confine myself to the portion of the award which I am asked to interpret and, reading it in its context, I have to come to a decision as to what it means. Where that meaning is clear it will not be proper for me to attempt to deduce principles from other portions of the award and proceed on the basis that the Tribunal intended to embody in the portion under interpretation the principles so deduced. Two documents were placed before me by Shri Kakar, one dealing with the adjustments made by the Raghunathmull Bank, Ltd., relative to old entrants, and the other giving particular of adjustments made by the Bank of Jaipur, Ltd., Kotah Branch, relative to new entrants. As my function is only to interpret the award, I shall not comment on these documents, which I have treated as produced merely to give me an idea of the kind of difficulties that have arisen in the implementation of the award.

7. Reading the directions in paragraph 292 of the award relating to old entrants I have no doubt that the question referred to me regarding these workmen must be answered in the negative. To understand the directions given by the Sastri Tribunal it is necessary to say something about the circumstances in which the Tribunal's award came to be made. Immediately preceding the constitution of the Tribunal under the Industrial Disputes Act, there was an adjudication in the same matter by a tribunal consisting of three retired High Court Judges presided over by Shri K. C. Sen and appointed under the Industrial Disputes Act. That Tribunal made its award in July 1950 and under its directions its award as to scales of pay began to operate in February 1950. This award was subsequently declared void by the Supreme Court, and hence the necessity for the appointment of the Sastri Tribunal. Pending the decision of the Sastri Tribunal, the scales of pay and dearness allowance awarded by the Sen Tribunal were preserved and continued by legislation. It was owing to the artificial position so created that, although the decision of the Sastri Tribunal was given in March 1953, adjustment in the new pay scales was directed to be made on the basis of the workmen's basic pay as on the 31st January 1950, that is to say, on the basis of the Banks' own pay scales as distinct from the scales on which the workmen were then being paid. This reference back to the 31st January 1950 was not necessary in the case of banks which were not covered by the Sen award but, as the Sastri award dealt with all the banks together, a distinction was not made between the two sets of banks.

8. For the purpose of adjusting the old entrants in the new scales the Tribunal proceeded on the workman's basic wage as on the 31st January, 1950. This basic pay was not to be reduced in any case and, subject to this limitation, the adjusted basic pay in the new scale was not to exceed what point-to-point adjustment in the new scale would have given the workman; nor was it to exceed the maximum of the new scale. Any special treatment which the workman had received by way of additional increments, either at the start or during the course of his service, was carefully allowed for by rule 5 which provided that, corresponding to such additional increments, the length of the workman's service would be notionally increased. The credit to be given to the workmen for such additional increments was necessarily confined to the period up to and including the 31st January 1950, as that was the date with reference to which the adjustment was to be made. For the period subsequent to 31st January 1950 rule 4A provided that, after the adjustments directed in rule 4, two further annual increments in the new scales should be added for service during the years 1951 and 1952; in addition the workman would be entitled to draw his normal increment for 1953 on the 1st April 1953, and thereafter each succeeding year's annual increment as and from the 1st April of that year. There was no provision with regard to any special treatment which the workman might have received by the grant of additional increments subsequent to the 31st January 1950. Since the attention of the Tribunal had been drawn to the possibility of special treatment, and since it had actually made provision in rule 5 for giving the workmen credit for such special treatment received on or before the 31st January 1950, the omission to make special provision for additional increments received after that date cannot be regarded as accidental.

9. The provisions of rule 7 relating to new entrants are very definite and clear, and it has rightly been urged on behalf of the banks that no doubt in the matter of interpretation arises which would justify my seeking elsewhere for aid in arriving at the meaning of this rule. The workman is to be fitted into the new scale of pay on a point-to-point basis as though that scale of pay had been in force since he joined the service of the bank. What the Tribunal understood by point-to-point adjustment is explained by it in paragraph 286, namely that the employee should be placed at that stage in the new scale to which he would have risen by reason of the length of his service if he had entered service on the new scale. This direction is subject to one proviso, namely that the adjusted basic pay shall not be less than what it would be under a point-to-point adjustment on the corresponding pre-Sen scale. It is noticeable that, as against the provision in section II of paragraph 292 which refers to the workman's *actual* basic pay on the 31st January 1950, rule 7 refers to the basic pay to which the workman *would have been entitled* under a point-to-point adjustment on the pre-Sen scale. This is because of the artificial situation created by the statutory freezing of the void Sen award. For a large proportion of the bank employees the Sen scales became *pro tempore* the scales of pay, and this must have affected the wages paid to new entrants. Various accounts were given to me as to what was done by the banks in fixing the pay of new entrants. About some banks it was stated that they made payment according to the pre-Sen scales. One bank before me claimed to have appointed new entrants according to the Sen scales. About other banks it was said that no regular system was followed. Be this as it may, the Tribunal seems to have treated the existing wages of new entrants as *pro tempore*, and therefore it regulated their adjustment in the new scales with reference to the bank's pre-Sen scales. That this may in some cases have given rise to considerable hardship is undoubted. Take for instance a case which was suggested to me of a clerk appointed on 16th February, 1953 on an initial pay of Rs. 85 and given an increment of Rs. 5 on 31st March, 1954 in grade the scale for which was Rs. 45—3—75—5—125. The new scale in this particular bank begins with Rs. 60. According to the direction in rule 7 the workman will be fitted in at the beginning of the scale and will get two increments bringing his basic wage to Rs. 66, and this is all that he can expect, because under point-to-point adjustment on the pre-Sen scale he would be entitled only to Rs. 51.

10. It has been urged on behalf of the workmen that it could not have been the intention of the Tribunal to decrease the basic wage of new entrants, and that this consideration gives support to the contention that the length of service for the purpose of the point-to-point adjustment should be the notional length of service as defined in rule 5 of paragraph 292. The hypothesis with which this argument starts is incorrect. In the banks which were governed by the Sen award the existing wage was the wage according to the Sen award. It is noticeable, however, that what rule 1 of paragraph 292 protects is the pre-Sen wage which was generally lower than the Sen award wage. Similarly in rule 10 to which reference was made in the course of the argument protection was given to the pre-Sen Total Emoluments and not to the Total Emoluments according to the frozen Sen Award which were the actual Total Emoluments. I have explained above why protection was given to the pre-Sen state of things. The difficulty with the new entrant was that there was no pre-Sen wage to protect, since the new entrant came into service after the Sen award. This being so, the award did the next best thing, namely it protected the wage that the workman would have been getting if he had been appointed under the pre-Sen scale. Hence, we cannot assume that the Tribunal intended not to decrease the existing wage.

11. It is equally difficult to accept the suggestion that the point-to-point adjustment was intended to be made according to the notional length of service. For one thing, this assumes an intention on the part of the Tribunal to protect the existing wage, and as I have shown above no such intention appears in respect of the old entrants. Secondly, it is relevant to consider how old entrants were treated in respect of weightage for service rendered. They were not given credit for the whole of the service rendered; they got only one increment for every three completed years of service, and the total number of such increments was confined to four a restriction which applied also to their notional service as defined by rule 5. New entrants were treated very differently; they were given full credit for every year of service completed. This did not matter because their actual service could only be two or three years at the most. But things become very different if the contention about point-to-point adjustment on the basis of notional service is accepted, for new entrants will then get credit in the adjustment for every year of service, whether actual or notional, which is more than old entrants are given. There is no reason why we should assume

that the Tribunal intended to give more favourable treatment to new entrants in this respect than to old entrants.

12. In the course of the argument a reference was also made to an observation of the Banks Appeals Special Bench in paragraph 166 of its judgment that it is inherent in the award that "if the present basic wage of an employee is already higher than what point-to-point adjustment would have given him, he should be adjusted into the new scale on his present basic pay and should earn his annual increments from that point for the years 1951, 1952 and onwards." It was for this reason that the Appeals Special Bench renumbered clause (d) of rule 4 of paragraph 292 of the Sastri award as a separate rule 4A, so as to remove it from the control of rule 2. It is important to realise that the Appeals Special Bench is talking here not of the actually existing wage but of the wage according to the pre-Sen wage. The Appeals Special Bench speaks of this as "the present basic wage" in the same way that the Sastri award in clause (a) of rule 4 speaks of the pre-Sen scale as "the existing scale."

13. It follows from what I have said that the question put to me regarding new entrants must also be answered in the negative.

14. I am aware that on my interpretation of paragraph 292, the rules therein if strictly implemented will lead to considerable hardship in certain, perhaps in many, cases. This was inevitable in a case of this magnitude, where the Tribunal in one judgment had to deal with numerous employees recruited by a large number of banks on widely differing terms of service. Where genuine cases of hardship occur I believe that the banks may be trusted to show a proper sense of generosity in implementing the award—indeed the claim was made on behalf of some of the banks before me that in more cases than one they have deliberately gone beyond the award to avoid such hardship. I express my belief with confidence because every wise employer knows that a contended staff will be worth more to him than the small pecuniary gain which he is likely to get by taking advantage of a defect or lacuna in the award.

15. For the reasons stated above I answer the Reference in the negative, namely that additional increments received after the 31st January 1950 shall not be taken into account in computing length of service for adjustment in the new scales, neither in the case of those who entered service on or before the 31st January 1950, nor in the case of those who entered service after 31st January, 1950.

(Sd.) D. E. REUBEN, Member.

[No. LR-100(22)/55.]

S.R.O. 867.—In exercise of the powers conferred by section 14 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), and in supersession of the notifications of the Government of India in the late Department of Labour, No. LR.11(53), dated the 10th May, 1947, and in the Ministry of Labour, No. SR.204(48), dated the 12th February, 1951, the Central Government hereby exempts the industrial establishments under the control of the undermentioned Railway Administrations (including the industrial establishment under the control of the Eastern Railway Administration in the Vizagapatam Port) from all the provisions of the said Act:—

- (1) The Central Railway Administration.
- (2) The Eastern Railway Administration.
- (3) The North Eastern Railway Administration.
- (4) The Northern Railway Administration.
- (5) The South Eastern Railway Administration.
- (6) The Southern Railway Administration.
- (7) The Western Railway Administration.
- (8) Integral Coach Factory, Perambur.

[No. F. LRII/11(5)/56.]

S.R.O. 868.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes), Calcutta, in the matter of an application under section 33A of the said Act from Shri Rao of Central Kurkend Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)

20/1, Gurusaday Road, Calcutta—19.

APPLICATION NO. 38 OF 1955 U/S 33A OF THE ACT.

PRESENT

Shri J. N. Majumdar—Chairman.

Shri S. P. Chopra—Member.

Shri T. N. Mallappa—Member.

PARTIES

Shri Sao of Central Kurkend Colliery, P.S. Kendwadih, P.O. Kusunda,
District Manbhum—Applicant.

Versus

Messrs. Central Kurkend Coal Co. Ltd., Central Kurkend Colliery, P.S.
Kendwadih, P.O. Kusunda, District Manbhum—Opposite Party.

APPEARANCES

For the applicant—Shri Lalit Burman.

For the opposite party—Nobody appears.

AWARD

Dated the 10th March, 1956

This is an application under section 33A of the Industrial Disputes Act, 1947 by Shri Sao, an underground trolleyman, against his employer Messrs. Central Kurkend Coal Co. Ltd. The opposite party in this case has sent an agreement between the parties and prayed that an award may be passed in accordance with that agreement. Mr. Lalit Burman who has filed his letter of authority to appear on behalf of the applicant admits the truth of the settlement as per application and says that there may be an award in accordance with the terms of agreement. We pass an award in accordance with the terms of the agreement. The terms of the agreement are as follows:—

“The parties above named beg to state as follows:—

1. That the matter in controversy has been amicably settled between the parties.
2. That the opposite party reinstates the applicant with continuity of service.
3. That the opposite party has paid sum of Rs. 40 (Rupees forty) only as compensation for the period he was made to sit idle. The receipt of which the applicant humbly acknowledges

It is prayed that an award be passed in accordance with the agreement.

T.I. of Shri Sao Applicant

(Sd.) Illegible,

Manager,

For Central Kurkend Coal Co., Ltd.,

Central Kurkend & West Gopalichuck

Collieries, P.O. Kasunda,

District Manbhum—Opposite Party.

(Sd.) J. N. MAJUMDAR, Chairman.

(Sd.) S. P. CHOPRA, Member.

(Sd.) T. N. MALLAPPA, Member.

[No. LRII-55-2(2)/56-III.]

S.R.O. 869.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes), Calcutta, in the matter of an application under section 33A of the said Act from Shri Girijanandan Singh of West Bokaro Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES), CALCUTTA
APPLICATION NO. 51 OF 1955 (U/S 33A OF THE ACT)

PRESENT

Shri J. N. Majumdar—Chairman.

Shri S. P. Chopra—Member.

Shri T. N. Mallappa—Member.

PARTIES

Shri Girijanandan Singh, Loco Driver, West Bokaro Colliery, P.O. Ghatotkach, District Hazaribagh, Bihar—Applicant.

Versus

The Agent, West Bokaro Colliery, P.O. Ghatotkach, District Hazaribagh, Bihar—Opposite Party.

APPEARANCES

Shri D. L. Sen Gupta, Counsel—For the Applicant.

Shri S. C. Sen, Advocate—For Opposite Party.

AWARD

Dated the 10th March, 1956

This is an application under section 33A of the Industrial Disputes Act 1947 by a workman belonging to the West Bokaro Colliery against the Agent of the Colliery for setting aside an order of lay off passed by the management. The Colliery has filed a written statement. When the application was taken up, Shri D. L. Sen Gupta, appearing on behalf of the workman represented that since the lay off the applicant had been dismissed from service and sought our permission to withdraw the application with liberty to canvass the merits of the order of dismissal passed against the workman by means of a fresh application.

Shri S. C. Sen, Advocate, appearing for the Colliery had no objection. In the result we pass an award dismissing the application.

(Sd.) J. N. MAJUMDAR, Chairman.

(Sd.) S. P. CHOPRA, Member.

(Sd.) T. N. MALLAPPA, Member.

[No. LRII-55-2(2)/56-IV.]

S.R.O. 870.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes), Calcutta, in the matter of an application under section 33A of the said Act from Shri Sudhamoy Biswas of Belrui Dishergarh Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES), CALCUTTA

APPLICATION NO. 54 OF 1956 U/S 33 OF THE ACT.

APPLICATION NO. 41 OF 1955 U/S 33A OF THE ACT.

PRESENT

Shri J. N. Majumdar—Chairman.

Shri S. P. Chopra—Member.

Shri T. N. Mallappa—Member.

PARTIES

APPLICATION NO. 54 OF 1955 U/S 33 OF THE ACT.

Messrs. Belrui Dishergarh Colliery Co. Ltd.'s Belrui Dishergarh Colliery, District Burdwan—Applicant.

Versus

Shri S. M. Biswas, Belrui Dishergarh Colliery, P.O. Sitarampur, District Burdwan—*Opposite Party*.

APPLICATION No. 41 of 1955 u/s 33A of THE ACT.

Shri Sudhamoy Biswas, an employee of the Belrui-Dishergarh Colliery Co. Ltd., Staff Quarters, Belrui Dishergarh Colliery, Sitarampur, P.O. Burdwan District—*Applicant*.

Versus

Messrs. Belrui Dishergarh Colliery Co. Ltd., 135, Canning Street, Calcutta—*Opposite Party*.

APPEARANCES

Shri P. K. Sanyal, Advocate—*For Messrs. Belrui Dishergarh Colliery*.

Shri Arabinda Ghoshal—*For Shri S. M. Biswas*.

AWARD

Dated the 10th March, 1956

Application No. 54 of 1955 under section 33 and Application No. 41 of 1955 under section 33A of the Industrial Disputes Act, 1947, are connected applications. The reply statements have been filed in both the applications, but it is not necessary to go into the merits of the respective contentions of the parties as they have composed their differences and embodied their same in memorandums which read as follows:—

“Application No. 54 of 1955 u/s 33.

In the matter of an application under section 33 of the Industrial Disputes Act.

Messrs. Belrui Dishergarh Colliery Co. Ltd.—*Applicant*.

Versus

Shri Sudhamoy Biswas—*Opposite Party*.

The humble petition of the parties hereto

Most respectfully sheweth:

1. That the parties have settled the above application on the following terms, *viz.*—

- (a) that the opposite party hereby offers an apology for not obeying the order of the Management transferring him to Calcutta;
- (b) that on account of the constant illness of the wife of the opposite party, he is unable to come to stay in Calcutta and as such the opposite party has prayed to the applicant for being retransferred to the colliery;
- (c) that in view of the said illness of the wife of the opposite party the applicant hereby grants his prayer for retransfer to the colliery with effect from the 20th day of February, 1956;
- (d) that the opposite party shall not be entitled to any pay and other allowances and benefits from the 20th day of August, 1955 to the 19th day of February 1956; but the said period shall be treated as leave without pay granted to the opposite party.

Your petitioners therefore pray that the above application be disposed of in the above terms.

And your petitioners as in duty bound shall pray.

(Sd.) C. M. Varma, Director,
for Belrui Dishergarh Colliery Co. Ltd.

(Sd.) Sudhamoy Biswas,
A. Ghoshal, Pleader for O.P.

APPLICATION No. 41 of 1955 (u/s 33A).

Shri Sudhamoy Biswas—*Applicant*.

Versus

Messrs. Belrui Dishergarh Colliery Co. Ltd.—O.P.

The humble petition of Shri Sudhamoy Biswas applicant abovenamed. Most respectfully sheweth:—

1. That having regard to the settlement arrived at by your petitioner and the opposite party in Application No. 54 of 1955 (u/s 33) in this court, your petitioner does not want to proceed with the application. Your petitioner therefore prays that he may be permitted to withdraw the above application.

And your petitioner is in duty bound shall ever pray.

(Sd.) Sudhamoy Biswas,
Dated 18th February, 1956".

Under the circumstances a decision is passed in terms of the settlement in Application No. 54 of 1955 under section 33 of the Industrial Disputes Act, 1947 and an award is passed in application No. 41 of 1955 under section 33A of the Industrial Disputes Act, 1947, dismissing the same.

(Sd.) J. N. MAJUMDAR, *Chairman*.
(Sd.) S. P. CHOPRA, *Member*.
(Sd.) T. N. MALLAPPA, *Member*.

[No. LR II-55-2(2)/56.]

R. C. SAKSENA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi-2, the 6th April 1956

S.R.O. 871.—It is hereby notified for general information that the name of Shrimati Dr. Seeta Parmanand, a member of the first Advisory Panel of the Central Board of Film Censors at Calcutta having been determined by lot under the proviso to sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951, the said member shall retire with effect from the 1st March, 1956.

[No. 14/1/55-FC.]

S.R.O. 872.—In exercise of the powers conferred by sub-rule (3) of rule 9 of the Cinematograph (Censorship) Rules, 1951, the Central Government hereby appoints after consultation with the Central Board of Film Censors Shrimati Dr. Seeta Parmanand as a member of the Advisory Panel of the said Board at Calcutta with effect from the 14th April, 1956.

[No. 14/1/55-FC.]

New Delhi-2, the 10th April 1956

S.R.O. 873.—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951, the Central Government hereby appoints after consultation with the Central Board of Film Censors the following persons as members of the Advisory Panel of the said Board at Calcutta with effect from the 14th April, 1956:—

1. Dr. Pratul Chandra Gupta;
2. Shri Bidhu Bhushan Ghosh;
3. Dr. Bijanbihari Bhattacharya.

[No. 14/3/56-FC.]

S.R.O. 874.—In exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951, the Central Government hereby appoints after consultation with the Central Board of Film Censors the following persons as members of the Advisory Panel of the said Board at Calcutta with effect from the 14th April, 1956.

1. Prof. Priyaranjan Sen;
2. Shrimati Ayesha Ahmed.

[No. 14/3/56-FC.]

S.R.O. 875.—it is hereby notified for general information that the following members of the Advisory Panel of the Central Board of Film Censors at Calcutta retire under sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951, with effect from the dates indicated against each:—

1. Prof. Priyaranjan Sen—1st March, 1956.
2. Shrimati Ayesha Ahmed—5th March, 1956.

[No. 14/3/56-FC.]

ORDER

New Delhi, the 6th April 1956

S.R.O. 876.—The Central Government hereby:—

- (a) directs, in pursuance of the provisions of the order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805 dated the 26th December, 1955, and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 120 dated the 10th January, 1956, that the Advisory Panel of the Central Board of Films Censors at Bombay shall consist of 38 members with effect from the 14th April, 1956.
- (b) appoints, after consultation with the said Board, Shrimati Lilavati Munshi, Shrimati Sharda Bhargava, and Shrimati Chandrawati Lakhnopal, as members of the Advisory Panel at Bombay with effect from the 14th April, 1956.

[No. 14/1/55-FC.]

D. KRISHNA AYYAR, Under Secy.